

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-7, 9-12, 14-17, and 19-25 are pending in this application. Claims 1, 2, 6, 7, 11, 12, 16, 17, and 25 are amended by the present amendment.

Amendments to the claims finds support in the application as originally filed, at least in the specification at page 39, line 13 to page 42, line 20, and in Applicants' Fig. 9. Thus, no new matter is added.

In the outstanding Office Action, Claims 1, 2, 4-7, 9-12, 14-17, and 19-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,263,317 to Sharp et al. (herein "Sharp") in view of U.S. Patent 5,839,076 to Hafner et al. (herein "Hafner"); and Claims 1, 2, 4-7, 9-12, 14-17, and 19-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sharp in view of Hafner and Official Notice. Applicants respectfully traverse those rejections, with respect to amended independent Claims 1, 6, 11, 16, and 25.

Amended Claim 1 is directed to a distribution management device that includes, in part, means for receiving via a network first order information of merchandise and second order information of the merchandise. The first order information is formed based on a first purchase request received via a first sales channel that uses the network. The second order information is formed based on a second purchase request received via a second sales channel which is a point-of-sale location that does not use the network. The first order information indicates a first quantity of merchandise purchased via the first sales channel, and the second order information indicates a second quantity of merchandise purchased via the second sales channel.

The distribution management device also includes means for generating stock control information to control a stock of the merchandise to be distributed to the first and the second

sales channels based on the first quantity of merchandise purchased in the first sales channel in the first order information and the second quantity of merchandise purchased in the second sales channel in the second order information. Moreover, the distribution management device includes means for storing information regarding a debut date on which a new product in the merchandise will replace an old product in the merchandise, and means for deleting a portion of the generated stock control information corresponding to a quantity of the old product purchased in the first sales channel and a quantity of the old product purchased in the second sales channel to produce updated stock control information excluding old product information, when a current date is within a predetermined number of days before the debut date.

Additionally, the distribution management device includes means for instructing a supplier of the merchandise to supply the merchandise to the first sales channel and the second sales channel based on the updated stock control information from which was deleted the quantity of the old product purchased in the first sales channel that receives the first purchase request via the network and the quantity of the old product purchased in the second sales channel that receives the second purchase request at a point-of-sale location that does not use the network to receive the second purchase request. Amended independent Claims 6, 11, 16, and 25 include similar features directed to different classes and scopes of inventions.

Applicants respectfully submit that Sharp, Hafner, and Official Notice fail to teach or suggest each of the features of any of the amended independent claims.

Sharp describes a computer system and method of operating the computer system that allows manufacturers and distributors of products to participate in an e-commerce market place without violating existing distribution agreements.¹ Sharp indicates that a customer using client computer 120 can access an e-commerce website hosted on a server computer

¹ Sharp at Abstract and column 1, lines 35-46.

110 via a computer network 150.² Further, Sharp indicates that once the customer has entered and confirmed the order, a computer program executed on the server computer processes the order and, according to a distribution channel conflict resolution scheme, an order can be allocated either to the owner of the website, or to a distributor selected according to a protocol, or to the distributor for direct distribution.³ Further, to avoid unfairness to retailers and manufacturers, the method of Sharp includes a conflict resolution scheme to allocate on-line purchases to different entities (e.g., retailers or distributors) according to a protocol. Thus, although a retailer and a distributor may each be allocated proceeds from a purchase made through the sales channel, Sharp only describes the single sales channel for receiving purchase orders (i.e., the on-line sales channel). Thus, Sharp neither describes nor otherwise suggests plural sales channels.

Further, Sharp is silent regarding deleting a portion of stock control information corresponding to an old product when a current date is within a predetermined number of days before a debut date when a new product will replace the old product. Accordingly, it is respectfully submitted that Sharp fails to teach or suggest “means for storing information regarding a debut date on which a new product in the merchandise will replace an old product in the merchandise; [and] means for deleting a portion of the generated stock control information corresponding to a quantity of the old product purchased in the first sales channel and a quantity of the old product purchased in the second sales channel to produce updated stock control information excluding old product information, when a current date is within a predetermined number of days before the debut date,” as required by Claim 1, and as similarly required by Claims 6, 11, 16, and 25.

² Sharp at col. 3, lines 6-8.

³ Sharp at col. 3, lines 20-29.

Likewise, in view of Sharp's deficiency in teaching plural sales channels and new/old product information, it is respectfully submitted that Sharp also fails to teach or suggest "means for instructing a supplier of said merchandise to supply the merchandise to the first sales channel and the second sales channel based on the updated stock control information from which was deleted the quantity of the old product purchased in the first sales channel that receives the first purchase request via the network and the quantity of the old product purchased in the second sales channel that receives the second purchase request at a point-of-sale location that does not use the network to receive the second purchase request," as recited in independent Claim 1, and as similarly recited in independent Claims 6, 11, 16, and 25.

Hafner describes a supplier-driven commerce transaction processing system for processing business transactions between a supplier and a retailer.⁴ In particular, Hafner indicates that a replenishment system 10 may receive inventory information from a retailer host 60 and the inventory information may be point of sale data which may be transferred as 852 or 846 EDI document and inventory adjustments or transferred as a 947 EDI document.⁵

In other words, Hafner describes a method for a supplier to automatically replenish stock at a retailer, and in the method of Hafner, there is only a single sales channel, which is a retail sales channel. Thus, like Sharp, Hafner fails to describe plural sales channels used for receiving purchase orders, where one sales channel uses a network and another sales channel does not use the network.

Further, Applicants respectfully submit that Hafner and Official Notice fail to teach or suggest the claimed features lacking in the disclosure of Sharp.

⁴ Hafner at Title and Abstract.

⁵ Hafner, at col. 3, line 64 to col. 4, line 7, and Fig. 1.

Accordingly, Applicants respectfully submit that independent Claims 1, 6, 11, 16, and 25, and claims depending therefrom, patentably define over Sharp, Hafner, and Official Notice.

Therefore, Applicants respectfully submit that independent Claims 1, 6, 11, 16, and 25, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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